

INITIAL STATEMENT OF REASONS
Regulations 1009, 1070, 1071, 1082, and 1083
Academy Instructor Certificate Program Participation

Overall Justification for Proposed Amendments

By not requiring instructors to complete minimum training, California POST is lagging behind the vast majority of POST organizations in other states in this regard. As of 2004, 41 POST-type organizations in other states (82 percent) require instructors to complete instructor development training before they could instruct. The California POST Commission endorses an incremental approach to achieving the goal of instructor training for all instructors of POST-certified courses. As part of this approach, the Commission has already adopted regulations specifying training standards for instructors of certain specialized subjects (Regulation 1070) and training and certificate standards for instructors employed by academies that voluntarily participate in the Academy Instructor Certificate Program (Regulation 1009). The proposed changes to Regulations 1009, 1070, 1071, 1082, and 1083 will move POST standards closer toward attaining instructional excellence in POST-certified courses. These changes will remove the “voluntary” provision for POST basic academy participation and eliminate redundant and overlapping requirements between curriculums.

Training presenters support the minimum training requirement for instructors of Regular Basic Course curriculum, as reflected by both the agenda / minutes of Instructor Standards Advisory Council meetings held May 18, 2004, September 8, 2004, January 12, 2005, May 17, 2005, September 28, 2005, and February 16, 2006, and the agenda/minutes of Basic Course Consortium meetings held June 9-10, 2004, et seq. The Commission’s Long Range Planning Committee has also been supportive of these mandates since 2004 and the POST Commission approved the proposed training requirements at its January 19 and April 27, 2006 meetings. All meeting agendas and minutes referred to in this Statement of Reasons are available upon request.

Justification - Regulation 1009 Amendments

Deletes the voluntary provisions of the AICP, provides for the designation of POST-Certified Instructor, and establishes an effective date of July 1, 2007 for participation in the AICP.

1009(a): This section eliminates the “voluntary” provision of the AICP. It also draws a distinction between the Regular Basic Course (RBC) and RBC curriculum by requiring certification for academy, Level I, or Level II instructors teaching any component of the RBC. It establishes July 1, 2007 as the implementation date. It references the Academy Instructor Certification Course (AICC) or Equivalency Process and the Academy Instructor Certificate as the requisite components.

1009(a): This section deletes the voluntary program language, and establishes an outline format for the topics – (1) through (4).

1009(a) (1): This section makes program title and grammar changes for clarity.

1009(a) (2): This section identifies the effective date, eliminates the voluntary program reference, and makes grammar changes for clarity. The phrase “decertification as basic course presenter pursuant to Regulation 1057,” added after Commission approval of the language, clarifies that non-compliance with the mandatory instructor standards requirements could result in removal as a presenter of POST-certified courses.

1009(a)(3), (3)(A), and (3)(B): This section establishes the requirements for instructors employed prior to the effective date, and establishes the two program requirements for instructors hired by an academy after the effective date. Relevant language in §1071 (b) has been moved here, for clarity.

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1009(b): This section establishes the AICC as a prerequisite to taking a required specialized instructor course (when taught in RBC course).

1009(b) (1) (E), (F), (2) (E), and (2) (F): These sections include reworded language for clarity.

1009(c): This section only has a title change adding “POST” for clarity, and makes a grammar change.

1009(g): This new section provides recognition as “POST-Certified Academy Instructor” for those persons who possess a valid and unexpired Academy Instructor Certificate.

Justification - Regulation 1070 Amendments

This change provides that the Academy Instructor Certification Course is a prerequisite to most of the specialized instructor courses effective July 1, 2007.

1070(a): This section (in conjunction with §1009(b)) makes the AICC a prerequisite to the specialized instructor courses listed in section (b) excluding the Institute of Criminal Investigation, Motorcycle Training Instructor, and Supervisory Leadership Instructor courses. The addition of the “Supervisory Course Instructor” to this list of exempted courses establishes consistency with §1082(a). It was the intent of POST to list this course as “exempt from the AICC” in both locations. The omission of this course title from this exemption paragraph was inadvertent.

The Institute of Criminal Investigation (ICI) Instructor, Motorcycle Training Instructor, Supervisory Course Instructor, and Supervisory Leadership Institute (SLI) Instructor courses are exempt from the AICC prerequisite because of their unique content and audience, as is explained below. The above courses utilize highly skilled instructors who teach “Adult Learning Concepts” and other key aspects of the AICC (such as facilitation skills) *within* these exempted courses. These courses also have lower student to instructor ratios, which accommodates higher level training on how to be an instructor—the goal of the AICC.

- The Institute of Criminal Investigation (ICI) Instructor course is focused on teaching an instructor who *already* possesses subject matter expertise how to teach (or otherwise communicate) that expertise.
- The Motorcycle Training Instructor is an 80-hour course—twice as long as most instructor courses. This extra length accommodates the unique teaching aspect of one-on-one motorcycle instruction. It is a teaching environment unlike any other in POST and requires practice and mastery of skills that the AICC does not address in context. Therefore, this course is longer and provides this specialized instruction within itself.
- The Supervisory Course Instructor and Supervisory Leadership Institute (SLI) Instructor courses both focus on how to facilitate / teach. These courses exceed the content of the AICC in that they, much like the Institute of Criminal Investigation (ICI) Instructor course, teach an instructor who already possesses the subject matter expertise (in this case supervision / leadership) how to convey it to a student.

1070(b): This section makes non-substantive language changes, naming changes for consistency with the titles in §1082, and adds language clarifying new enrollment prerequisites.

1070(c): The section makes a grammatical change for clarity.

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Justification - Regulation 1071 Amendments

Deletes a duplicative academy instructor requirement and makes conforming changes.

1071: The title of Regulation 1071 has been amended to conform to §§ (b) – (d) deletions. The references to academy, Level I, and Level II has been moved to §1009 (a) (3).

1071(a): This section includes grammatical/naming changes for conformity.

1071(b – d): These sections have been deleted because they duplicate the new requirements of §1009; the reference to academy, Level I, and Level II instructor positions now appears in §1009.

1071(e): Because of the deletion of §§ (b) – (d), this section is renumbered to § (b) and makes grammar and conforming changes that recognize the replacement of the AIDC by the AICC. Language changes allow for a single entry-level requirement, and require “competency verification” for all instructors to ensure that they have acquired the requisite skills.

Justification - Regulation 1082 Amendments

Restates that the Academy Instructor Certification Course (AICC) is a prerequisite to most of the specialized instructor courses listed in this section, effective July 1, 2007. Lists courses exempt from the proposed AICC prerequisite. Also eliminates course components that duplicate the AICC component of adult learning concepts and makes other needed changes.

1082(a): This section specifies that the AICC is a prerequisite to most specialized instructor courses, notes exemptions, establishes July 1, 2007 as the effective date, and includes grammar changes for clarity. The Institute of Criminal Investigation (ICI) Instructor, Motorcycle Training Instructor, Supervisory Course Instructor, and Supervisory Leadership Institute (SLI) Instructor courses are exempt from the AICC prerequisite because of their unique content and audience, as is explained below. The above courses utilize highly skilled instructors who teach “Adult Learning Concepts” and other key aspects of the AICC (such as facilitation skills) *within* these exempted courses. These courses also have lower student to instructor ratios, which accommodates higher level training on how to be an instructor—the goal of the AICC.

- The Institute of Criminal Investigation (ICI) Instructor course is focused on teaching an instructor who *already* possesses subject matter expertise how to teach (or otherwise communicate) that expertise.
- The Motorcycle Training Instructor is an 80-hour course—twice as long as most instructor courses. This extra length accommodates the unique teaching aspect of one-on-one motorcycle instruction. It is a teaching environment unlike any other in POST and requires practice and mastery of skills that the AICC does not address in context. Therefore, this course is longer and provides this specialized instruction within itself.
- The Supervisory Course Instructor and Supervisory Leadership Institute (SLI) Instructor courses both focus on how to facilitate / teach. These courses exceed the content of the AICC in that they, much like the Institute of Criminal Investigation (ICI) Instructor course, teach an instructor who already possesses the subject matter expertise (in this case supervision / leadership) how to convey it to a student.

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1082(d): This section deletes the redundant “Adult Learning Concepts” topic from the minimum content requirements for specific instructor courses and deletes the redundant “Facilitation Skills” topic from the Racial Profiling Course. For consistency, changes to the new Public Safety Communications Terrorism Awareness Instructor Course delete redundant topics. This course became part of this regulation after the Commission voted to approve adoption of the AICC. Adult Learning Concepts and Facilitation Skills are address in the core course, the AICC, and will redundant if they remain in the specialized subject instructor courses. Language changes improve grammar and formatting, for consistency. In the topics under the Arrest and Control Instructor and the Chemical Agents Instructor courses, the outlining software previously split the term” Performance Evaluation Techniques,” the CCR adoption also shows the term split up into two lines. POST can provide the corresponding rulemaking file numbers to support the intention to have this be one topic for consistency with the topic used in other courses in this section. The addition of the acronym “AICC” in the Academy Instructor Certification Course section adds clarity to associate the common acronym with the formal name of the course. The language “and SB 719 (Stats. of 2005)” under the Driver Training Simulation Instructor course is added because changes in the law specifically affect driver training (notably, pursuit policy training). When the Commission voted to approve this proposal, the Motorcycle Training Instructor course showed an inadvertent deletion of “Adult Learning Concepts.” Because the AICC includes this topic, but the AICC is not a prerequisite for taking this course, Adult Learning Concepts belongs in the Motorcycle Training Instructor Course.

Justification - Regulation 1083(a) (3) Amendments

This section deletes the Academy Instructor Development Course requirement; it is replaced by the AICC listed in §1009, which establishes a single minimum training and certification requirement (Academy Instructor Certification Course).

Other Required Showings Pursuant to Government Code 11346.2 (b) (2)-(4)

Studies, Reports, or Documents Relied Upon – Gov. Code 11346.2 (b): None

Reasonable Alternatives Considered – Gov. Code 11346.2 (b) (3) (A): None

Reasonable Alternatives That Would Lessen the Impact on Small Businesses – Gov. Code 11346.2 (b) (3) (B): None

Evidence Relied Upon to Support the Initial Determination That the Amended Regulations Will Not Have a Significant Statewide Adverse Economic Impact on Business – Gov. Code 11346.2 (b) (4): The proposed regulation has no significant impact on California businesses, including small businesses because it applies to law enforcement standards.